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18 APR 2008

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901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON VA 22203

In re Application of  
SMITH et al.

Application No.: 10/590,993  
PCT No.: PCT/US05/10833  
Int Filing Date: 30 March 2005  
Priority Date: 30 March 2004  
Atty. Docket No.: 3638-891  
For: ATTACHMENT FOR A TELESCOPIC MATERIAL  
HANDLER FOR MANIPULATING A LOAD WITH FIVE  
DEGREES OF FREEDOM

DECISION on

REFUND

This is in response to applicant's "Request for Refund to Deposit Account" filed 06 June 2007 in the United States Patent and Trademark Office (USPTO).

On 30 March 2005, applicants filed international application No. PCT/US05/10833 which claimed priority of earlier U.S. provisional application filed 30 March 2004. On 29 August 2006, applicant requested entry into the U.S. national stage.

Applicant paid \$100 as the search fee for the present application. The U.S. Designated/Elected Office (DO/EO/US) charged Deposit account 14-1140 an additional \$400 for such search fee.

On 07 June 2006, Applicant requested a refund of an alleged \$400 overcharge for the search fee in the above referenced application pursuant to 37 CFR 1.492(b)(2). The present submission seeks a refund of the extra \$400 charged by the DO/EO/US, asserting that the \$100 fee (set forth in 37 CFR 1.492(b)(2) applies to the present application. Pursuant to 37 CFR 1.492(b)(2), where the search fee set forth in 37 CFR 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority, the search fee for international application entering the national stage is \$100.

Here, the search fee in the original international application was paid to the United States Patent and Trademark Office as an International Searching Authority. Thus, 37 CFR 1.492(b)(2) applies and the appropriate fee is \$100.

Based on the above, the appropriate search fee for the present application is \$100. The request for refund of \$400 is GRANTED and will be refunded to applicant's deposit account.

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